

B 5 (Official Form 5) (12/07)

<b>UNITED STATES BANKRUPTCY COURT</b> Western District of North Carolina		<b>INVOLUNTARY PETITION</b>	
IN RE (Name of Debtor – If Individual: Last, First, Middle) <b>Scotto Restaurant Group, LLC</b>		ALL OTHER NAMES used by debtor in the last 8 years (Include married, maiden, and trade names.) <b>Scotto Holdings, LLC</b>	
Last four digits of Social-Security or other Individual's Tax-I.D. No./Complete EIN (If more than one, state all.): <b>20-4818815</b>			
STREET ADDRESS OF DEBTOR (No. and street, city, state, and zip code)  <b>137 Cross Center Road, Suite 234          Denver, NC 28037</b>		MAILING ADDRESS OF DEBTOR (If different from street address)  	
COUNTY OF RESIDENCE OR PRINCIPAL PLACE OF BUSINESS <b>Lincoln County, NC</b> <div style="text-align: right;">ZIP CODE <b>28037</b></div>		<div style="text-align: right;">ZIP CODE</div>	
LOCATION OF PRINCIPAL ASSETS OF BUSINESS DEBTOR (If different from previously listed addresses)			
CHAPTER OF BANKRUPTCY CODE UNDER WHICH PETITION IS FILED <div style="display: flex; justify-content: space-around;"> <span>Chapter 7</span> <span><input checked="" type="checkbox"/> Chapter 11</span> </div>			
<b>INFORMATION REGARDING DEBTOR (Check applicable boxes)</b>			
<b>Nature of Debts</b> (Check one box.) Petitioners believe: <div style="margin-left: 20px;"> <input type="checkbox"/> Debts are primarily consumer debts  <input checked="" type="checkbox"/> Debts are primarily business debts         </div>	<b>Type of Debtor</b> (Form of Organization) <div style="margin-left: 20px;"> <input type="checkbox"/> Individual (Includes Joint Debtor)  <input checked="" type="checkbox"/> Corporation (Includes LLC and LLP)  <input type="checkbox"/> Partnership  <input type="checkbox"/> Other (If debtor is not one of the above entities,              check this box and state type of entity below.)         </div>	<b>Nature of Business</b> (Check one box.) <div style="margin-left: 20px;"> <input type="checkbox"/> Health Care Business  <input type="checkbox"/> Single Asset Real Estate as defined in              11 U.S.C. § 101(51)(B)  <input type="checkbox"/> Railroad  <input type="checkbox"/> Stockbroker  <input type="checkbox"/> Commodity Broker  <input type="checkbox"/> Clearing Bank  <input checked="" type="checkbox"/> Other         </div>	
<b>VENUE</b> <input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in the District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.  A bankruptcy case concerning debtor's affiliate, general partner or partnership is pending in this District.		<b>FILING FEE (Check one box)</b> <input checked="" type="checkbox"/> Full Filing Fee attached  Petitioner is a child support creditor or its representative, and the form specified in § 304(g) of the Bankruptcy Reform Act of 1994 is attached. <i>[If a child support creditor or its representative is a petitioner, and if the              petitioner files the form specified in § 304(g) of the Bankruptcy Reform Act of              1994, no fee is required.]</i>	
<b>PENDING BANKRUPTCY CASE FILED BY OR AGAINST ANY PARTNER              OR AFFILIATE OF THIS DEBTOR (Report information for any additional cases on attached sheets.)</b>			
Name of Debtor	Case Number	Date	
Relationship	District	Judge	
<b>ALLEGATIONS</b> (Check applicable boxes)		<b>COURT USE ONLY</b>	
1. <input checked="" type="checkbox"/> Petitioner (s) are eligible to file this petition pursuant to 11 U.S.C. § 303 (b). 2. <input checked="" type="checkbox"/> The debtor is a person against whom an order for relief may be entered under title 11 of the United States Code. 3.a. <input checked="" type="checkbox"/> The debtor is generally not paying such debtor's debts as they become due, unless such debts are the subject of a bona fide dispute as to liability or amount; <div style="text-align: center;">or</div> b. Within 120 days preceding the filing of this petition, a custodian, other than a trustee receiver, or agent appointed or authorized to take charge of less than substantially all of the property of the debtor for the purpose of enforcing a lien against such property, was appointed or took possession.			

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Name of Debtor Scotto Restaurant Group

Case No. \_\_\_\_\_

TRANSFER OF CLAIM		
Check this box if there has been a transfer of any claim against the debtor by or to any petitioner. Attach all documents that evidence the transfer and any statements that are required under Bankruptcy Rule 1003(a).		
REQUEST FOR RELIEF		
Petitioner(s) request that an order for relief be entered against the debtor under the chapter of title 11, United States Code, specified in this petition. If any petitioner is a foreign representative appointed in a foreign proceeding, a certified copy of the order of the court granting recognition is attached.		
Petitioner(s) declare under penalty of perjury that the foregoing is true and correct according to the best of their knowledge, information, and belief.		
<input checked="" type="checkbox"/> <u>/s/ Lester B. High</u> Signature of Petitioner or Representative (State title) <u>Lester B. High</u> <u>06/23/2011</u> Name of Petitioner Date Signed  Name & Mailing Address of Individual _____ Signing in Representative _____ Capacity _____	<input checked="" type="checkbox"/> <u>/s/ Kiah T. Ford, IV</u> <u>08/11/2011</u> Signature of Attorney Date <u>Parker Poe Adams &amp; Bernstein, LLP</u> Name of Attorney Firm (If any) <u>401 S. Tryon St., Ste. 3000, Charlotte, NC 28202</u> Address <u>(704) 372-9000</u> Telephone No.	
<input checked="" type="checkbox"/> <u>/s/ William Holmes</u> Signature of Petitioner or Representative (State title) <u>William Holmes</u> <u>06/21/2011</u> Name of Petitioner Date Signed  Name & Mailing Address of Individual _____ Signing in Representative _____ Capacity _____	<input checked="" type="checkbox"/> <u>/s/ Kiah T. Ford, IV</u> <u>08/11/2011</u> Signature of Attorney Date <u>Parker Poe Adams &amp; Bernstein, LLP</u> Name of Attorney Firm (If any) <u>401 S. Tryon St., Ste. 3000, Charlotte, NC 28202</u> Address <u>(704) 372-9000</u> Telephone No.	
<input checked="" type="checkbox"/> <u>/s/ Donald L. Myers</u> Signature of Petitioner or Representative (State title) <u>Donald L. Myers</u> <u>06/25/2011</u> Name of Petitioner Date Signed  Name & Mailing Address of Individual _____ Signing in Representative _____ Capacity _____	<input checked="" type="checkbox"/> <u>/s/ Kiah T. Ford, IV</u> <u>08/11/2011</u> Signature of Attorney Date <u>Parker Poe Adams &amp; Bernstein, LLP</u> Name of Attorney Firm (If any) <u>401 S. Tryon St., Ste. 3000, Charlotte, NC 28202</u> Address <u>(704) 372-9000</u> Telephone No.	
PETITIONING CREDITORS		
Name and Address of Petitioner <u>Lester High, 2655 St. Peters Rd., Pottstown, PA 19465</u>	Nature of Claim <u>unsec. promissory note</u>	Amount of Claim <u>754,399.95</u>
Name and Address of Petitioner <u>William Holmes, 422 Mud Ln., Northampton, PA 18067</u>	Nature of Claim <u>unsec. promissory note</u>	Amount of Claim <u>136,229.26</u>
Name and Address of Petitioner <u>Donald Myers, 10935 E. San Felipe Ave., Clovis, CA 93619</u>	Nature of Claim <u>unsec. promissory note</u>	Amount of Claim <u>957,322.87</u>
Note: If there are more than three petitioners, attach additional sheets with the statement under penalty of perjury, each petitioner's signature under the statement and the name of attorney and petitioning creditor information in the format above.		Total Amount of Petitioners' Claims <u>1,847,952.08</u>

\_\_\_\_\_ continuation sheets attached